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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 002586

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TAGS: [PHUM](#) [KDEM](#) [PGOV](#) [PINR](#) [IZ](#)
SUBJECT: HUMAN RIGHTS COMMITTEE DISCUSSES DETENTION ISSUES
AND HUMAN RIGHTS COMMISSION WITH PM MALIKI; MEETS PRESIDENT
TALABANI

REF: A. BAGHDAD 2012
[B](#). 06 BAGHDAD 1823
[C](#). BAGHDAD 1974
[D](#). BAGHDAD 2579
[E](#). BAGHDAD 2529

Classified By: POLITICAL COUNSELOR MATT TUELLER FOR REASONS 1.4 (B) and
(D).

[1](#). (C) SUMMARY: Council of Representatives (CoR) Human Rights Committee Deputy Harith al-Ubaidy (Tawafuq), and committee members Hanin al-Qeddo (Eitilaf) and Shatha al-Ebousy (Tawafuq) told PolOff separately in July that Prime Minister (PM) Maliki, in a July 23 meeting with the committee, said that the High Commission on Human Rights (HCHR) and the Ministry of Human Rights (MoHR) were possibly duplicative human rights oversight bodies and advised the committee to delay pursuing a second reading of the HCHR law until his legal advisors could finish reviewing it. The committee members expressed their belief that Human Rights Minister Wijdan Salim was trying to cancel the constitutionally-mandated commission in order to maintain the MoHR, which they criticized as not independent enough to protect human rights in Iraq. Al-Ubaidy on July 31 said the PM rejected the committee's suggestions for parliamentary-led unannounced inspections of Iraqi detention centers (ref A). He added that President Talabani offered moral and logistical support for the committee's efforts during a separate meeting on July 24. END SUMMARY.

PM MALIKI AND HUMAN RIGHTS COMMITTEE DISCUSS HCHR

[2](#). (C) In separate conversations in July, CoR Human Rights Committee members al-Ubaidy, al-Ebousy, and al-Qeddo informed PolOff they were uncertain of the status of the High Commission on Human Rights (HCHR) law, first read in CoR on March 12, after the committee's meeting with PM Maliki on July 23. On July 24, al-Ebousy said PM Maliki advised the committee to delay pursuing a second reading of the High Commission on Human Rights law until his legal advisors could complete reviewing it, and expressed his view that maintaining both a HCHR and Human Rights Ministry may be duplicative. In a separate conversation with PolOff on July 25, al-Qeddo reported that PM said that the issue of whether the MoHR and HCHR were duplicative needed to be examined, and the Council of Ministers (CoM) was divided on the issue. (Note: Article 102 of the Constitution calls for an HCHR as an independent commission, subject to CoR monitoring, and regulated by law. Coalition Provisional Authority Order 60 created the MoHR in 2003, with the order remaining in force unless "superseded by legislation issued by an

internationally recognized Iraqi government." End note.)

¶3. (C) Al-Ebousy noted that the PM affirmed the committee's right to oversee the HCHR law, which al-Ubaidy said he understood was being studied at the Shura Council as of July ¶31. The human rights committee members indicated their displeasure on the delay of the HCHR law, which they said they had worked on over a year ago with Gianni Magazzeni, the former Chief of Human Rights Office of the United Nations Mission in Iraq (UNAMI) (ref B). (Note: The Shura Council, under the Justice Ministry, is a body of legal experts that vets Iraqi laws from the CoM. End note.)

MIXED FEEDBACK ON HUMAN RIGHTS MINISTER

¶4. (C) Al-Ebousy reported that during the meeting with PM Maliki, Human Rights Committee Chair Sheikh Mohammed al-Haidari and Committee Deputy al-Ubaidy -- the only two committee members that spoke -- voiced their collective frustration with the Human Rights Minister's limited capacity to respond to issues related to detention center conditions and mass graves. According to al-Ebousy, the PM's response was that the Human Rights Minister was working on those issues. In a separate, July 30 conversation with PolOff, Minister Wijdan said that she tells the CoR Human Rights Committee "everything" and gives its members copies of inspection reports and detention statistics. Al-Ubaidy confirmed to PolOff on July 31 that the Minister regularly meets with Human Rights Committee members and he believes she shares their concerns about torture in Iraqi detention facilities.

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¶5. (C) Both al-Ubaidy and al-Qeddo commented, however, that the CoR Committee considers the Human Rights Ministry incapable of protecting human rights in Iraq in the way an independent commission would, and expressed their belief that Human Rights Minister Wijdan Salim was trying to cancel the commission in order to maintain the MoHR. Al-Ubaidy said the committee had not confronted Minister Wijdan directly about the status of the commission, since it was evident to them she would not support bodies that could render her Ministry obsolete. (Note: Minister Wijdan had in fact told PolOff in mid-June that she was advocating that the GOI permanently maintain a HCHR and a Human Rights Ministry (ref C). End note.)

COMMITTEE PUSH FOR UNANNOUNCED DETENTION CENTER INSPECTIONS

¶6. (C) CoR Human Rights Committee Deputy al-Ubaidy said that when he raised the idea of CoR-led, unannounced detention center visits to the PM, the PM apologetically said it was not a good idea, since sudden visits by the 250-some CoR members to the detention facility at any time would be disorderly. (Note: The CoR has 275 members. End note.) Al-Ubaidy said that when he pressed the PM on the issue, arguing that if visits were not sudden, discovering secret abuse would be difficult, the PM replied, "There are no empty places to hide detainees, because all the detention centers are full." Al-Ubaidy said he was dissatisfied with this response. (Note: The CoR Security and Defense Committee subsequently invited Al-Ubaidy to a parliamentary detention center visit of the Ministry of Interior-operated Khadimiya 2nd National Police Division detention center that occurred on July 26 (ref D). End note.)

PRESIDENT TALABANI OFFERS TO AID THE HUMAN RIGHTS COMMITTEE

¶7. (C) Al-Ubaidy reported that President Talabani, during a

meeting with the Human Rights Committee on July 24, offered the committee moral and logistical support. He commented that Talabani was "so helpful" and their meeting was more positive than the meeting with Maliki, which he said even the Etilaf committee members characterized as "uncomfortable." Al-Ubaidy said Talabani told the committee that professional human rights work should be apolitical and the committee had a right to investigate allegations of government violations of human rights. He reported that Talabani offered to help the committee overcome any resistance it may face in conducting its duties, granted the committee permission to investigate abuses in Kurdish detention facilities, and then offered to transport the committee to Kurdistan to conduct investigations. In addition, al-Ubaidy said Talabani offered to hire two advisors under his authority -- a legal advisor and a human rights advisor -- and detail them to assist the Human Rights Committee. (Note: On July 25, the government-sponsored television network Al-Iraqiyah aired a report on the committee's meeting with Talabani, noting the President's support for the formation of an independent human rights commission in Iraq and willingness to support the CoR Human Rights Committee in its work. End note.)

COMMENT

18. (C) A debate seems to be emerging within the GOI on which institution(s) ought to take the lead on overseeing human rights issues in Iraq. The Human Rights minister's previously stated goal of maintaining the MoHR to promote human rights within the government, while also maintaining an independent human rights commission to monitor the government by working with NGOs and the media, appears to clash with the CoR Human Rights Committee members' vision that the HCHR will be the sole human rights body in the long run (ref C). It remains to be seen whether the HCHR Law will emerge from the Shura Council in a form that is satisfactory to both the CoR Human Rights Committee and the Human Rights Minister for the law's second reading in parliament. At this time, the debate over whether the HCHR should coexist with the MoHR appears to be a power struggle between the Human Rights committee and the MoHR, rather than a sectarian argument, despite heavy Tawafuq emphasis on human rights. Eliminating the MoHR would mean one less Iraqiyya-headed ministry.

19. (C) Talabani's support for the Human Rights Committee is

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consistent with his other attempts to address detention and human rights issues cited by Tawafuq as among the reasons for their August 1 withdrawal from the government (ref E). Despite the support he has pledged for the Human Rights Committee, it is not clear whether Talabani would be willing to side publicly with the committee to press for replacing the MoHR with the HCHR. END COMMENT.
CROCKER